IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7762 OF 2007

The Modern Education society ...Petitioners

Versus

Sou.Ashwini Gururaj Shirolkar

and Ors. ....Respondents

A.B.Borkar for the petitioners.

N.J.Patil for respondent nos.1 and 2.

CORAM: S.C.DHARMADHIKARI, J.

4th December, 2007.

P.C. :

1. Admittedly the petitioner is the defendant no.3 to the suit as is clear from the cause title thereof. In the present case what is rejected is an application made by the petitioner in his capacity allegedly as Chairman of the petitioner society. That application is rejected. The order in that behalf cannot prevent the society from being represented and as to who shall represent the society before the Civil Court is a matter best left to the society in question. If the petitioner is a Chairman of the defendant no.3 society, then, he can be duly authorised by the society to appear for the society. Merely because the application for his joinder is rejected, does not mean that the society cannot be represented by its Chairman and the office bearers. With this clarification, there is no reason to interfere. Petition dismissed. No costs.

SD/-

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